

The Indian Federation

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INTRODUCTION

Historically speaking, most of the great Federations which we find in the world today came into being as the result of a desire to combine on the part of several Sovereign States, which were engaged in a common struggle either against another State or against another social system, and whose struggle was motivated by similar social and political aims. The United States of America, for example, emerged out of a successful revolt of the British Colonies in North America against the oppression of British merchant capitalists. The Union of Soviet Socialist Republics was formed for the purpose of ensuring the survival of the Socialist Republics, which had emerged on the breakup of the Czarist Empire, and whose existence was threatened by the concerted hostility of European capitalist powers. These Federations are in reality, voluntary associations of several free and sovereign states, each one of whom has surrendered a part of its sovereignty to the Federal authority in order to achieve certain common objectives. Their main characteristics are, firstly, that their Sovereignty resides within the Federation as a whole and is divided between the Federal authority and the constituent units, and, secondly, that their constituent units have a similarity of politico-economic organisation, from which is derived their common will and purpose, and which in a large measure prompted them to federate and achieve a higher unity.

The whole basis and content of the proposed Federation of India and its process of emergence is fundamentally different from the historic examples which we have cited above. It is obvious that the objective conditions, which have in the past led to the formation of Federa-

tions in other countries, do not fully obtain in India today. For India, the so-called Federation is coming into being, neither as the result of a victorious struggle conducted by the sovereign people of India or by several sovereign States of India against a common oppressor, nor as a normal and peaceful culmination of certain unifying democratic tendencies in the country. It is, on the contrary, being imposed on the Indian people, against their declared and unqualified opposition, by a specific Act of British Parliament. It, therefore, reflects in its content neither the growing unity of the social aspirations of Indian masses, nor their democratic will, but merely the determination of British Imperialism to beat back the rising tide of mass revolt in India by tightening its octopus hold over the country with the help of a new constitutional machinery.

An analysis of the proposed Indian Federal structure will show that it has very little in common with any of the existing Federal Constitutions of the world. In the first place, the Sovereignty of Federated India will reside outside the country, that is, in British Parliament. The Federal Government as well as the governments of the constituent units will be subordinate entities, subject in almost every respect to the final authority of the Parliament. Secondly, the Indian Federation will not be constituted entirely on the principle of voluntary association of the federating units, since the Provinces, which represent nearly two-thirds of the population of the country, will have no choice in the matter of accession to the Federation, and will automatically become a part of it when other prerequisites, especially those in respect of the accession of States, are satisfied. Thirdly, the constituent members will differ a good deal from each other in respect of their internal political structure. While the States under the Federation will continue to be ruled by their autocratic princes, some degree of popular control over the administration will be permitted in the Provinces. The Federal Constitution will

neither declare nor guarantee any fundamental rights of the people, as was done in the Constitutions of the U. S. A., or the U. S. S. R.

These features of the Indian Federal structure and their implications will be analysed elsewhere in this pamphlet. Here, we may briefly note how the entire basis and framework of this Federation are determined by considerations of imperialist domination.

The Government of India Act of 1935, under which the Federal structure will be erected, reaffirms the absolute suzerainty of British Crown over India, makes British Parliament the sole authority responsible for determining any change in the Indian Constitution, and vests the Secretary of State with almost unlimited powers of control over the entire Federal machinery of government. Within the Federation, the Governor General is made the supreme authority in every field of governance. In the legislative field, he is given the power to override any decision of the Federal Legislature, to make laws by passing Acts independently of the Legislature, to issue Ordinances, and, if necessary, to suspend the entire "Constitutional" machinery and govern the country himself. He is also made the head of the Federal Executive, and his authority in this capacity is subjected to no limitations. Besides, he is empowered to administer and control personally, or through his agents, such important departments as Defence, External Affairs and Relations with Indian States. Then again, over 80% of the Federal budget is to be determined by him, quite independently of the Federal Legislature, and even with respect to the remaining 20% he is empowered to disallow any financial measure passed by the Legislature. Lastly, he is vested with what are called "Special Responsibilities" which cover almost every aspect of governmental activity, and in the discharge of which he is given the power to act entirely in his own discretion.

The Federal Legislature, viewed from the standpoint of its constitutional powers, will be a thoroughly impotent body. It will have no say in matters relating to Defence and External Affairs, and four-fifths of the Federal Budget will be completely outside its control. The Governor General will be empowered to stop any measure passed by it from becoming law. Besides, the Federal Court in charge of the higher Judiciary, the Federal Railway Authority, directing the transport system, and the Federal Reserve Bank, controlling the financial and industrial life of the country, will function almost independently of it.

It is, however, in its composition that the Federal Legislature exposes most glaringly, the new device of Imperialism to tighten its stranglehold over India, in alliance with the reactionary and antiquated feudal elements of the country. The representatives of the States, who may be all direct nominees of the Princes and not elected spokesmen of the people of the States, will occupy a solid one-third of the seats in the Federal Assembly, and 40% of the seats in the Council of State. The representation given to the State in both the Houses is not only much greater than their due share on the population basis, but is also far in excess of the proportion of national wealth they represent, and the financial contribution they will make to the Federal exchequer. The rest of the seats in the Federal Legislature will be filled through a variety of separate communal constituencies, which have been so determined as to ensure the predominance of politically backward and reactionary elements in the Legislature.

It will, thus, be seen that the Federal Structure will not in any sense mark a constitutional advance in the direction of self-government in India. On the contrary, it will be a distinctly retrograde step, as it will tip the balance overwhelmingly in favour of feudal and other vested interests in the highest organs of the State. Besides, under the Federation the powers of the Gover-

nor General will be far more comprehensive and explicit than they have been under the Constitution of 1919. In reality, therefore, this so-called Federation will be nothing more than a reassociation of the old administrative divisions—Provinces and States—effected in a manner as to reinforce the system of imperialist exploitation. The whole Federal Scheme is obviously meant to be a counterblast to the growing unity of the Indian masses in their common democratic struggle for bread and freedom, in so far as it organises at the top, all the anti-democratic and unprogressive vested interests under the direct control of imperialist bureaucracy.

All this need not be a matter of surprise. The imperialist system is fast approaching its inevitable doom. On the ~~one~~ hand, inter-imperialist antagonisms have brought humanity to the brink of another world slaughter, and on the other, both in the homelands of imperialist powers, and in the oppressed subject countries, a fresh revolutionary upsurge of the downtrodden masses has begun. British Imperialism, as the oldest and the most experienced of the dying Imperialisms of the world has not been slow to sense the impending danger ; its federal scheme, which arms it with a constitutional machinery to face the new situation, is a clear testimony to its active preparation to beat the storm that is rapidly gathering over India.

THE ALL INDIA FEDERATION

Section 5 of the Government of India Act of 1935 provides for the formation of a Federation, composed of the British Indian Provinces and such Indian States as accede to it.

The accession of Indian States to the Federation will be voluntary. No State will accede unless its Ruler executes an Instrument of Accession declaring his willingness to join the Federation. The Provinces will, on the other hand, automatically become a part of the Federation, when all the other conditions necessary for its inauguration have been satisfied.

The Federal Constitution will not be launched unless a minimum number of States agree to join it. The Act lays down that States representing at least one half of the total State population of India, and claiming not less than 52 seats in the Upper Chamber of the Federal Legislature must accede before the Federation is started.

States which do not join the Federation at the beginning will be able to accede later, provided their application for accession is made within a period of 20 years from the establishment of the Federation. No State will be able to accede after the expiry of this period.

Neither the Provinces nor the States, having once joined the Federation, will be free to leave it, though the latter will have a limited right to modify their original Instruments of Accession even after they have been executed.

The Federation thus constituted will have a double chambered Legislature; the lower chamber will be called Federal Assembly, and the upper chamber Council of State. The Federal Executive will be composed of a Council of Ministers and the Governor General. The Federal Judiciary will be organised in a permanent Federal Court. Every organ of the Federal Government will draw its power and authority from the provisions of the Government of India Act of 1935.

British Sovereignty.

British Sovereignty over India will not be affected in the slightest degree by the creation of the Federation. The Government of India Act of 1935 asserts more explicitly than any previous Act, the absolute suzerainty of British Crown over India. Section 2 of the Act says:

“(1) All rights, authority and jurisdiction heretofore belonging to His Majesty the King, Emperor of India, which appertain or are incidental to the government of the territories in India for the time being vested in him, and all rights, authority and jurisdiction exercisable by him in or in relation to any other territories in India, are exercisable by His Majesty, except in so far as may be otherwise provided by or under this Act, or as may be otherwise directed by His Majesty.”

“Provided that any powers connected with the exercise of the functions of the Crown in its relation with Indian States shall in India, if not exercised by His Majesty, be exercised only by, or by persons acting under the authority of, His Majesty’s Representative for the exercise of those functions of the Crown.”

“(2) The said rights, authority and jurisdiction shall include any rights, authority or jurisdiction heretofore exercisable in or in relation to any territories in India by the Secretary of State, the Secretary of State in Council, the Governor General, the Governor General in Council, any Governor or any Local Government, whether by delegation from His Majesty or otherwise.”

These provisions constitute one of the clearest and the most categorical formulation of British Sovereignty over India, ever attempted in an Act of Parliament.

The principle that British Parliament alone can determine any constitutional advance for India has been expressly embodied in the new Constitution. The Act of 1935, while repealing the Act of 1919, retains its Preamble, which among other things states that “the time and manner of each advance can be determined

only by Parliament upon whom responsibility lies for the welfare and advancement of the Indian people". In addition to this, Section 110 of the Act of 1935 provides that nothing in the Act shall be taken—

"(a) to affect the power of Parliament to legislate for British India, or any part thereof, or

(b) to empower the Federal Legislature, or any Provincial Legislature;

to make law affecting the Sovereign or the Royal Family, or the Succession to the Crown, or the Sovereignty, dominion or suzerainty of the Crown in any part of India, or the law of British nationality, or the Army Act, the Air Force Act, or the Naval Discipline Act, or the law of Prize or Prize courts."

Due provision has been made in the Constitution to ensure an unquestioned compliance with the dictates of Parliament on the part of all the organs of government in India. Not only have the bureaucratic agents of Parliament—Secretary of State, Governor General and Governors—been vested with very extensive and almost dictatorial authority in their respective spheres, but their powers have been so arranged, on a well designed system of checks and balances, as to secure the penetration of parliamentary authority into every section of the administrative machinery. Thus, the Governors with their unlimited powers over Provincial administration are placed under the immediate superintendence of the Governor General, who with all his absolute authority over the entire Federal structure is subjected to the guidance and control of the Secretary of State. Section 54 of the Act provides for the control that the Governor General is to exercise over the Governors. It says, "In so far as the Governor of a Province is by or under this Act required to act in his discretion or to exercise his individual judgment, he shall be under the general control of, and comply with such particular directions, if any, as may from time to time be given to him by, the Governor General in his discretion, but

the validity of anything done by a Governor shall not be called in question on the ground that it was done otherwise than in accordance with the provisions of this section". Section 14, which in similar terms lays down the power of superintendence of the Secretary of State over the Governor General, says, "In so far as the Governor General is by or under this Act required to act in his discretion or to exercise his individual judgment, he shall be under the general control of, and comply with such particular directions, if any, as may from time to time be given to him by the Secretary of State, but the validity of anything done by the Governor General shall not be called in question on the ground that it was done otherwise than in accordance with the provisions of this section."

It will be noted that according to these sections the Governors and the Governor General are subject to superintendence only in respect of those matters in which they are required to act in their discretion or to exercise their individual judgment, but, as we shall see later, these matters are so numerous and so comprehensive in scope as to cover almost every field of governmental activity.

A more vivid picture of the rigid supervision and control that the British Parliament will exercise over the Indian Federal structure can be secured by looking at the powers that have been, explicitly or implicitly, vested in the Secretary of State. In the first place, the Secretary of State, will, in practice, exercise all the powers reserved to the Crown. He will, for example, exercise the power of the King to disallow any Act passed by the Provincial or Federal Governments, and also to repeal, extend or modify any extraordinary legislation, such as Ordinances, or Governor's or Governor General's Acts. (Sections 43-44, 89-90). As the main advisor of the Crown, the Secretary of State will be in charge of supervising the relations of the States with British India, in all matters which fall within the scope of the special treaty obligations between the Crown and the States.

Besides, the absolute right of the British Parliament to make, abrogate or suspend the constitution, or a part thereof, will also be exercised generally at his recommendation.

In addition to all this, as stated above, the Secretary of State will direct and control the Governor General in all matters in respect of which the latter is empowered to act in his discretion. These matters include such important subjects as Defence, External Relations, administration of Excluded areas, Relations with Indian Princes, supervision over Provincial Governors, appointment and dismissal of Federal ministers, and all the extraordinary powers of the Governor General in regard to the Federal Government. The suspension of the constitution by the Governors and the Governor General will also be subject to the supervision and control of the Secretary of State, since the suspension will be in the discretion of the Governors and the Governor-General. The Secretary of State will also be entitled to interfere in all matters, which involve the exercise of the Special Responsibilities of the Governor General, and these are so comprehensive in scope as to cover almost every aspect of government. More specifically, they include the maintenance of law and order, the safeguarding of financial stability of the Federal Government, the protection of the interests of minorities, the protection of Indian States and their Rulers, the prevention of any discrimination, direct or indirect, against British goods, trade and industry in India.

The proclamation of a State of National Emergency by the Governor General acting in his discretion, under conditions when the security of the country is threatened by war or internal disturbance, will have to be submitted to the Parliament through the Secretary of State.

The Secretary of State will wield a great deal of direct influence over the Civil Administration of the country, through his right to make appointments to the Imperial Services. He will also, according to sections

246 and 247 make rules specifying the number, character and conditions of service of the posts under the Crown, which will be filled by persons appointed by him. Besides, under Section 244 he will be empowered to make appointments to any service or services related to those functions, which the Governor General will exercise in his discretion. The direct authority of the Secretary of State over the military administration of India will in no measure be smaller. Apart from the higher defence appointments, which will be made by the King at his instance, he will be entitled to interfere with any branch of the Department of National Defence and to prescribe the number and conditions of service of the Defence Forces. Section 235 expressly lays down that, "the Secretary of State may acting with the concurrence of his advisors, from time to time specify what rules, regulations and orders affecting the conditions of service of all or any of His Majesty's Forces in India shall be made only with his previous approval." Section 236 provides for the continuance of the right of appeal to the Secretary of State, which certain sections of the Armed Forces enjoyed under the Act of 1919.

The Secretary of State will also be in a position to wield a great deal of direct influence over the judicial system of the country, since, in actual practice, it will be at his recommendation that the judges of the Federal Court, as well as those of the Provincial High Courts will be appointed under the Royal Sign Manual.

Though, at first sight it may seem that the financial powers of the Secretary of State have been considerably reduced by the Act of 1935, especially in respect of public borrowing on account of the Government of India, yet it must not be forgotten that, under Section 14 it has been made obligatory on the Governor General to comply with the orders and directions of the Secretary of State in all matters, which involve the exercise of his Special Responsibilities, and one of these matters is the *safeguarding of financial stability of the Federal Government,*

a phrase which is vague and general enough to justify any act of interference in financial matters by the Secretary of State.

It will be seen from these provisions that the Secretary of State, as the chief representative of the Parliament in the governance of India, will dominate the entire Federal structure through his unlimited powers. His authority will not only extend to the protection of British imperial interests in India, and the interests of Indian Princes and other feudal elements, which are the main prop of British imperialism, but will also enable him to interfere in the ordinary day to day administration of the country. The Governors and the Governor General, with their varied and extensive powers in regard to internal administration, will be entirely subservient to him. He will have the final say in every matter.

Thus, the Federal scheme will not in any way touch the basic political relationship between India and Great Britain. The corner-stone of imperialist system in India, that is, British Sovereignty will remain intact and in virtue of this sovereignty British Imperialism will continue to hold every economic, financial and political key position in India, as firmly as when it first conquered power a century and a half ago from the effete feudal rulers of the country.

Indian States in the Federation.

A glance at the political history of India under British rule would show that British Imperialism has from time to time deliberately revised and reconstructed the constitutional machinery of the country, in order to secure a technique of rule more consistent with changed conditions. The motive behind these periodic constitutional revisions has been the same throughout, from the time of the Queen's Proclamation of 1858 to the passing of the Government of India Act of 1935, namely,

to safeguard the steel frame of imperialist rule from being weakened by the stress and strain of new political forces, within and without the country.

The Federal constitution is another step in the same direction. It is a device to reinforce the economic and military dictatorship of Great Britain over India at a time when the Economic Depression has shaken the imperialist system to its very foundations, when another world war seems inevitable, and when, above all, growing misery and starvation has brought the Indian masses to the verge of an open revolt against the present system of government.

At this critical juncture, Imperialism seeks to strengthen the pro-imperialist political alignment in the country, by erecting a constitutional machinery which will draw the Indian Princes into the Central Government as an organised bloc, to throw their full weight against all democratic and progressive forces. The Federal structure will bring all the allies of Imperialism, especially the big feudal interests, into closer and more active collaboration with the bureaucracy, for defeating popular movements on the one hand, and for preparing the State machinery for an imperialist war on the other.

It may be observed, that while the States and the Provinces will be formally considered to be coequal members of the Federation, the conditions governing their accession and their respective relations with the Federal authority will be such as to give the States a constitutionally superior position in the Federation. In the first place, while all the Provinces will, *ipso facto*, become a part of the Federation, the States will accede only when the Ruler concerned voluntarily executes an Instrument of Accession, whereby he for himself, his heirs and successors—

“(a) declares that he accedes to the Federation as established under the Act, with the intent that His Majesty the King, the Governor General of India, the Federal Legislature, the Federal Court and any other Federal

authority established for the purposes of the Federation shall, by virtue of his Instrument of Accession, but subject always to the terms thereof, and for the purpose only of the Federation, exercise in relation to His State such functions as may be vested in them by or under this Act; and

(b) assumes the obligation of ensuring that due effect is given within his State to the provisions of this Act so far as they are applicable therein by virtue of his Instrument of Accession."

Secondly, the relations of the Federal Government with the Provinces will be governed strictly by the provisions of the Government of India Act; no Province will be at liberty to prescribe its own obligations and responsibilities *vis à vis* the Federation. As against this, the Instrument of Accession executed by the Ruler of a State will specify the matters in respect of which the Ruler accepts the authority of the Federal Legislature to make laws for his State, and the limitations to which the power of the Federal Legislature and Executive will be subject in his State. A ruler may by a supplementary Instrument vary the terms of the original Instrument of Accession by extending the functions exercisable by the Federal Government in relation to his State.

Thirdly, the form of Government which the Provinces will have under the Federation is prescribed by the Act, but none of the Federating States will be required to effect any reform in its internal administration on accession to the Federation, however different its system of Government may be from that of the other members of the Federation. Besides, every State will be free to introduce changes in its internal constitution without reference to any outside authority, while the Provincial Constitutions are determined by the Act, and cannot be altered without the consent of the British Parliament.

Lastly, while the constitutional status of the Provinces under the Federation will be regulated in strict

accordance with the provisions of the Act, the position of the States will be governed not merely by the Act or the Instrument of Accession but also by a variety of Treaties, Engagements, etc, which exist between the States and the Crown, and which will not necessarily be abrogated or suspended on the States joining the Federation.

It will thus be seen that as compared to the Provinces the States will enjoy a far greater degree of independence from the Federal Authority. Not only will their accession depend on a voluntary act of the Rulers, but they will even be empowered to determine their own relations with the Federal Government. Their direct treaty relations with the Crown will remain intact, and the Federal Government will interfere with their internal administration only to the extent that the Rulers in their Instruments of Accession allow such interference.

• The representation given to the States in the Federal Legislature is far in excess of their real importance in the political or economic life of the country. In the Council of State they will occupy 40 per cent of the total seats, and in the Federal Assembly 33 per cent, though on the population basis they are not entitled to more than 25 per cent of the seats. In point of the national wealth that they represent, and the contribution that they will make to the revenues of the Federation they deserve a much smaller representation. It is estimated that 90 per cent of the Federal revenue will be derived from the Provinces, and only about 10 per cent from the States. And yet the Federal scheme gives them a disproportionate weightage, in order that they may effectively counteract the influence of the democratic elements drawn from the Provinces.

While the States with their disproportionately high representation on the Federal Legislature will be in a position to interfere in every matter concerning the Provinces, which under the Act falls within the jurisdiction

of the Federal Authority, the representatives of the Provinces will be able to influence legislation only on those matters concerning the States in respect of which the Rulers in their Instruments of Accession accept the authority of the Federal Government. Thus, the States will be free to project their reactionary influences into British India, by throwing their weight against every democratic move in the Federal Legislature, while they themselves will be immune from the pressure of the progressive forces operating elsewhere in the country.

It is important to note that every aspect of the relation of States with the Federal authority will be determined by the personal will of the Rulers, and not by any democratic process.

The people of the States will have no say in the matter of accession of the States to the Federation ; nor will they elect the so-called representatives of the States in the Federal Assembly or the Council of State. Each Ruler will determine personally as to when and under what conditions his State will join the Federation ; he will also in his individual capacity decide as to who will represent his State in the Federal Legislature. This will not merely ensure a consistent anti-democratic role of the States in the Federation, but will, in addition, make a few hundred odd princes the undisputed masters of the destinies of 81 million persons inhabiting the States, by enabling them to perpetuate their autocratic rule under the numerous guarantees afforded by the Federal Constitution.

Furthermore, it may be observed that the terms under which the States will join the Federation, and the privileged position that they will hold therein, will make the Federal structure a strange conglomeration of various governments, dominated by conflicting social ideas, and having widely different forms and methods of administration. The Provincial Governments based on some degree of popular control will be artificially aligned with a variety of autocratic feudal States. Obviously, a

Federal structure of this nature would be characterised by a complete absence of homogeneity of aims and outlook among its constituent members. This, aside from creating a great deal of confusion and difficulty in legislation, particularly as the Federal laws will not apply uniformly to all the constituent members, will make serious conflicts, between State and Provincial governments inevitable. One of the greatest sources of conflict will be the question of the jurisdiction of Federal authority, since what would apply to the Provinces would in many cases not apply to the States. In fact the whole character and composition of the Federation will be such as to make any concerted action, on the part of the constituent units, on major issues virtually impossible. The internal strains and stresses will be so great as to render the whole machinery of Federal government thoroughly incompetent for tackling any important problem concerning the welfare of the people. Thus, the Federation will achieve merely a semblance of unity between British India and the States ; in actual practice it will convert the central government of the country into a battleground for various Provincial and State Governments.

All this is nothing fortuitous ; it is a deliberate attempt by British Imperialism to counteract the growing unity of the Indian masses and the strength of their common struggle, by organising in the topmost organs of the State all the pro-imperialist vested interests in a manner as to bring the entire administrative system of the country under the direct hegemony and control of a feudal-imperialist block. The Indian States in the Federation, while maintaining their internal autocratic rule, will with the help and cooperation of the imperialist bureaucracy serve as the main bulwark against the advance of democratic struggle in the rest of the country. Their stronghold in the Federation will serve as an effective counterblast to the small measure of popular control that has been conceded in the Provinces. .

Structure of the Federal Legislature.

The Federal Legislature will consist of two Chambers. The upper chamber will be called Council of State and the lower chamber Federal Assembly. The Council of State will be a permanent body, in the sense that it will not be subject to dissolution, though one-third of its members will retire every third year, in a manner that every member will, after the first six years, retain his seat for nine years at a stretch. The Federal Assembly will have a life of 5 years, though the Governor General will be entitled to dissolve it earlier.

The Council of State will consist of 150 representatives of the Provinces, and not more than 104 representatives of the States. The Federal Assembly will have 250 members from the Provinces, and not more than 125 from the States.

The election of members representing the Provinces in the Council of State will be direct, but the franchise, based on high property qualifications and the holding of some prescribed status or titles, will be so restricted as to include only about 150,000 people in the electoral roll for the whole of British India. The British Indian members of the Federal Assembly will be elected indirectly, that is, by the Provincial Legislatures acting as electoral colleges. In both the Chambers, seats will be allotted to each State or each group of States, and the manner of filling these seats will be decided by the Rulers themselves.

The principle of communal representation through separate electorates will apply to both the Houses. The total seats in the Council of State as well as in the Federal Assembly will be divided into General seats, composed of representatives of Hindus and such other elements as will not have any separate representation, and seats reserved for communal minorities, namely, Mohammedans, Sikhs, Scheduled castes, Indian Christians, Anglo-Indians and Europeans. There will be some seats

reserved for special interests, such as Women, Commerce and Industry, Labour and Landholders.

For purposes of election to the Council of State, the entire electorate will be split up into territorial constituencies on a communal basis, and no one included in the electoral roll for Muslim, Sikh, Anglo-Indian, European and Indian Christian constituencies will be entitled to vote for a General seat. The representatives of Scheduled castes in the Council of State will be elected by the members of the Provincial Legislature belonging to those castes; the same rule will apply to Women representatives. Of the 150 seats allocated to British India, 75 will be filled from General constituencies, 6 from Scheduled caste constituencies, 4 from Sikh constituencies, 49 from Muhammadan constituencies and 6 from special constituencies for Women.

Members of the Federal Assembly will be elected from constituencies, each composed of the representatives of one community in a provincial Legislative Assembly. Each communal group will vote for and elect its representative independently of the other communal groups. Thus, all the Muslim members of any Legislative Assembly will form one constituency; similarly will the Sikh, Indian Christian, Anglo-Indian and European members of that Assembly constitute themselves into separate constituencies. Of the 250 seats allocated to British India in the Federal Assembly, 105 will be General seats including 19 reserved for the Scheduled castes, 6 will be reserved for Sikhs, 82 for Muslims, 4 for Anglo-Indians, 8 for Europeans and 8 for Indian Christians. Of the remaining seats, 11 will be assigned to Commerce and Industry, 7 to Land-holders, 10 to Labour and 9 to Women.

As between the Provinces the total seats allocated to British India in the Federal Legislature will be distributed as follows:—

Province	Seats allocated in the Council of State	Seats allocated in the Federal Assembly.
Madras	20	37
Bombay	16	30
Bengal	20	37
United Provinces	20	37
Punjab	16	30
Bihar	16	30
C. P. and Berar ..	8	15
Assam	5	10
North-West Frontier Province ..	5	5
Orissa	5	5
Sind	5	5
British Baluchistan	1	1
Delhi	1	2
Ajmer-Merwara	1	1
Coorg	1	1
Non-Provincial Seats ..	10	4
TOTAL ..	150	250

Four important features of the structure of Federal Legislature deserve notice ; first, the bicameral character of the Legislature with an Upper House elected on a very restricted property franchise; secondly, the disproportionately high representation given to the States; thirdly, the splitting up of the entire Legislature into permanent communal groups returned through separate communal electorates, and lastly indirect election to the

Lower House. These, it may be noted, are only a few of the several devices adopted by the framers of the Constitution to keep the Federal Legislature as far removed from being amenable to popular pressure and control as possible.

It is now universally recognised by all shades of progressive political thought that an Upper House, representing big propertied interests, can have no legitimate place in a scheme of democratic government, since it must inevitably serve as a drag on the popular urge to progress.

The usual theoretical justification for an Upper House, namely, that it checks hasty or rash legislation, and exercises a moderating influence on legislative activity generally, cannot be seriously entertained today, when parliamentary procedure has become so elaborate as to subject every bill to thorough scrutiny and analysis in the Lower House, and when, above all, material and social conditions are changing so rapidly, that what is needed is not a slow moving legislative machinery but one which can keep pace with the growing tempo of social movements. In reality, however, Upper Houses have been the political fortresses of propertied interests, from where they have dominated and controlled the State. In India, British Imperialism needs a variety of checks and balances in the constitutional system in order to safeguard its dictatorship, and for this purpose it has created an Upper House, which would consolidate and harness in its support the influence and power of the Indian 'propertied' classes. The undue importance given to the States in the Federal Legislature is inspired by similar motives. As we have already observed, British Imperialism, having thoroughly discredited itself in the eyes of the overwhelming majority of Indian people, is seeking at this critical moment, when its dominance is being seriously threatened by the rapid onslaught of anti-imperialist forces, to enlist the fullest cooperation and support of all the autocratic remnants

of Indian Feudalism.

Communal representation through separate electorates, which is merely an extension into the legislatures of the old imperialist policy of divide and rule, is one of those features of Indian constitution which have been most consistently and jealously safeguarded by the British Parliament. Communal representation tends to foster and to divert attention to sectional rather than national issues in political life, and to place communal feelings and propaganda at a premium in electioneering contests. It is obvious, that a Legislature split up into various communal groups, each composed mainly of persons returned on a religious or sectional appeal to the electorate, will be so full of internal contradictions and conflict as to make any united progressive move on the part of its members difficult. The Governor General with the open support of the representatives of the States and other big vested interests, and with a little political manoeuvring will be in a position to play off these groups against each other, in order to secure a reactionary majority on important issues.

Lastly, what deserves notice is perhaps one of the strangest and most anomalous provisions of the Government of India Act, namely, that while the Upper House, i.e., the Council of State, which stands for the interests of the propertied classes, will be elected directly, the Lower House, i.e., the Federal Assembly, which represents more popular elements, will be elected indirectly. The Joint Parliamentary Committee, which examined the proposals of the White Paper, decided in favour of indirect election to the Federal Assembly, on the ground that a system of direct election would create huge constituencies, which would not enable any representative to keep in touch with his constituents. This argument, however plausible it may appear, conceals the real motive behind the scheme of indirect electorates. It is obvious, that a direct vote of the people would lead to a very strong representation or even a

majority of the Congress in the Federal Assembly. If there is an open mass contest for seats between the Congress and the reactionary groups, the former with its predominant influence over the masses, would come out more successful, but if the voting is confined to a few hundred members of the Provincial Assemblies, swayed by communal and other sectional loyalties, the reactionary elements would be able to manoeuvre successfully to get a much larger representation than they would have got if the election had been direct. British Imperialism is afraid of the will of the Indian masses. It has been obliged by popular pressure to concede direct election in the case of Provincial Assemblies but it wants, at any cost, to safeguard the Federal Legislature from the growing influence of the anti-imperialist movement in the country.

Powers of the Federal Legislature.

In spite of the fact that the Federal Legislature as constituted under the above mentioned provisions, will be almost permanently dominated by a reactionary majority, British Imperialism has not considered it safe to entrust it with any effective legislative or financial powers. Section 99 of the Act confers on the Federal Legislature the general authority to legislate. It says, "Subject to the provisions of this Act, the Federal Legislature may make laws for the whole or any part of British India or for any Federal State, and a Provincial Legislature may make laws for the Province or for any part thereof." This general authority is however restricted in a variety of ways in the succeeding sections. Three types of restrictions are imposed. In certain matters, the Legislature is not permitted under any condition to pass any measure. In certain other matters, the Legislature is not allowed to act without the previous sanction of the Governor General. Thirdly, the Governor General is not only empowered to make laws

and issue ordinances quite independently of the Federal Legislature, but is also entitled to veto any and every Bill passed by the two Houses.

. According to Section 110 of the Act, it will not be open to the Federal Legislature to propose or pass any measure "affecting the Sovereign or the Royal Family, or the Succession to the Crown, or the sovereignty, dominion or suzerainty of the Crown in any part of India, or the law of British nationality, or the Army Act, the Air Force Act, or the Naval Discipline Act, or the law of Prize or Prize Courts." Besides, under Sections 111-118, the Federal Legislature will not be entitled to make any law which discriminates against British industrial, trading or shipping interests in India or which imposes any restriction on British subjects domiciled in the United Kingdom in regard to, their right of entry into India, the holding or disposal of property, or the carrying on of any occupation, trade, business or profession.

It may be noted here, that the Departments of Defence, External Affairs, Ecclesiastical Affairs and Tribal Areas will be completely outside the authority of the Federal Legislature. They will be administered, not by ministers responsible to the Legislature, but by the Governor General himself or by persons appointed by him in his discretion. Section 11 of the Act says "the functions of the Governor General with respect to defence and ecclesiastical affairs and with respect to external affairs, except the relations between the Federation and any part of his Majesty's dominions shall be exercised by him in his discretion and his functions in or in relation to the tribal areas shall be similarly exercised."

Section 108 of the Act provides that the previous sanction of the Governor General shall be required for introducing or moving in either Chamber of the Federal Legislature any Bill or amendment which—

"(a) repeals, amends or is repugnant to any provi-

sions of any Act of Parliament extending to British India; or

(b) repeals, amends or is repugnant to any Governor General's Act, or any ordinance promulgated in his discretion by the Governor General or a Governor; or

(c) affects matters as respects which the Governor General is, by or under this Act, required to act in his discretion; or

(d) repeals, amends or affects any Act relating to any police force; or

(e) affects the procedure for criminal proceedings in which European British Subjects are concerned; or

(f) Subjects persons not resident in British India to greater taxation than persons resident in British India or subjects companies not wholly controlled and managed in British India to greater taxation than companies wholly controlled and managed therein; or

(g) affects the grant of relief from any Federal tax on income in respect of income taxed or taxable in the United Kingdom."

In addition to all these restrictions imposed on the powers of the Legislature, the Governor General will have, on the one hand, the right to issue Ordinances and make laws independently of the Legislature, and on the other hand, to veto any measure passed by the Legislature. No Bill shall become law unless it has received the assent of the Governor General, who in this respect will be entitled to act entirely in his own discretion.

The impotence of the Federal Legislature is most strikingly brought into relief where its financial powers are concerned. Section 33 divides the annual Federal expenditure into 2 parts, namely, (1) expenditure charged upon the revenues of the Federation, and (2) expenditure proposed to be made from the revenues of the Federation. The former will not be votable by the Federal Legislature and will include the following:

(a) the salary and allowances of the Governor General and other expenditure relating to his office for which provision is required to be made by Order in Council ;

(b) debt charges for which the Federation is liable ;

(c) the salaries and allowances of Ministers, of Counsellors, of the Financial Advisor, of the Advocate General, of Chief Commissioners, and of the Staff of the Financial Advisor ;

(d) the salaries, allowances and pensions payable to Judges of the Federal Court, and the pensions payable to Judges of any High Court ;

(e) expenditure for the purpose of the discharge by the Governor General of his functions with respect to Defence, External Affairs, Ecclesiastical Affairs, Excluded Areas, and the administration of any territory in the direction and control of which he is required to act in his discretion ;

(f) the sums payable out of the revenues of the Federation in respect of the expenses incurred in discharging the functions of the Crown in its relations with Indian States ;

(g) any sums required to satisfy any judgment, decree or award of any court or arbitral tribunal ;

(h) any other expenditure declared by this Act or any Act of the Federal Legislature to be charged on the revenues of the Federation.

The other category of expenditure, namely, that proposed to be made from the revenues of the Federation, will be votable by the Legislature, though the Governor General will be entitled to sanction any expenditure and to restore any grant reduced or rejected by the Legislature. Besides, any question whether a proposed expenditure falls within a class of expenditure charged on the revenues of the Federation will be decided by the Governor General in his discretion.

What is noteworthy here is the fact that the non-votable part of the Federal budget will cover about 80

per cent of the total annual expenditure, and that the Governor will be free to interfere and override any decision of the Legislature even in respect of the remaining 20 per cent, which will be votable.

The financial powers of the Legislature are further reduced by several devices. Under Section 15 of the Act, the Governor General will be empowered to appoint a Financial Advisor to help him in maintaining the financial stability and credit of the Federal Government. The Advisor will be completely independent of the Ministers or the Federal Legislature, and will in practice exercise a great deal of control over the financial policy of the Federation. The right of the Governor General to frame rules of procedure for financial business in the Legislature to be completed in time, will serve as an additional restriction on the independence of the Legislature in financial matters. Then again, no demand for a grant shall be made except on the recommendation of the Governor General who will, before the budget is finally passed, authenticate by his signature the schedule of Authorised Expenditure. The schedule so authenticated will be laid before both Chambers, but shall not be open to discussion or vote therein. The Governor General will be further empowered, under Section 36, to authorise any Supplementary Expenditure not provided for in the Annual Financial Statement. Furthermore, the previous sanction of the Governor General shall be necessary for introducing in the Federal Assembly any Bill or Amendment making provision—

- (a) for imposing or increasing any tax; or
- (b) for regulating the borrowing of money or the giving of any guarantee by the Federal Government, or for amending the law with respect to any financial obligations undertaken or to be undertaken by the Federal Government; or
- (c) for declaring any expenditure to be expenditure charged on the revenues of the Federation, or for increasing the amount of any such expenditure.

The Legislature will not be entitled to pass a Bill, which if enacted and brought into operation involves expenditure from the revenues of the Federation, unless the Governor General has recommended the consideration of the Bill. Over and above all this, Section 12 (1) (b) imposes a Special Responsibility on the Governor General to safeguard the financial stability and credit of the Federal Government and in the discharge of this responsibility the Governor General will be entitled to decide in his individual judgment as to the action to be taken. He will be in a position, under this section to arrogate to himself full dictatorial powers over Federal Finances.

The powers of the Federal Legislature are specially circumscribed by statutory enactments in respect of legislation concerning trade and industry. Chapter III of part V of the Act will make it impossible for the Federal Legislature to grant any special concessions to Indian trade and industry, if similar concessions are not granted at the same time to British trading and industrial interests in India. Thus, it will not be open to the Federal Legislature to pass any measure which—

(a) imposes any restriction on British subjects domiciled in the United Kingdom in regard to their right of entry into British India or travel, residence, the acquisition, holding or disposal of property, the holding of public office or the carrying on of any occupation, trade, business or profession;

(b) discriminates against any British subject domiciled in the United Kingdom or any Company incorporated in the United Kingdom in respect of taxation in India;

(c) discriminates against ships registered in the United Kingdom, their crew, passengers, cargo etc.,

(d) discriminates against Companies incorporated under the laws of United Kingdom and carrying on business in India, in respect of any grant, bounty or subsidy payable out of the revenues of the Federation.

Due provision has been made to keep the Banking system and the Railways of India, the two most important fields of investment for British capital, virtually outside the control of the Federal Legislature. The Governor General will, in his own discretion, appoint and remove from office the Governor and the Deputy Governors of the Reserve Bank. He will also be entitled to take any action whatever for the supersession of the Central Board, and the liquidation of the Bank. The Railways will be under the immediate control of a special body called the Federal Railway Authority, which will be the executive authority of the Federation in respect of the regulation and the construction, maintenance and operation of railways. No less than three-sevenths of the members of the Authority, will be appointed by the Governor General in his discretion. The Governor General will also, in his discretion, nominate the President, make rules regarding the transaction of business between the Federal Government and the Authority, and issue to the Authority such directions as he may deem necessary regarding any matter which appears to him to involve any of his special responsibilities. It will be obligatory on the Authority to give effect to any direction issued by the Governor General, and the powers vested in the Governor General in respect of his Special Responsibilities shall apply as regards all matters entrusted to the Railway Authority.

All these provisions are, obviously, meant to keep intact the present stranglehold of British finance capital over India. Their real significance can be appreciated only in the light of the magnitude of British vested interests in India. The total British capital investments in India amount to over Rs. 1300 crores. The number of British Companies doing business in India were 911 in 1931-32, with a paid up capital of £756 million or Rs. 1008 crores. It is estimated that over Rs. 160 crores are transferred annually from India to Great Britain as interest on British capital investments and profits of

British Companies. The oceanic trade of India is carried on principally by British vessels; Indian ships carry hardly 2 per cent of the trade. It is noteworthy that British capital not only dominates the economic resources of India, but openly discriminates against Indian business interests, and manipulates the fiscal policy of the Government of India in a manner as to keep the country economically backward and undeveloped.

It would, thus, be obvious that the Federal Legislature will be a powerless body dominated in almost every aspect of its activity by the special powers of the Governor General. Not only will it be ultra vires for it to touch the basic political relationship between India and Great Britain, but the previous sanction of the Governor General will be required for introducing almost every measure of importance. Defence and External Affairs will be outside its control; it will have no power to grant preferential treatment to Indian trade and industry as against British vested interests in the country; the Banking system and the Railways will be virtually independent of its authority: it will have no say whatever in the determination of over 80 per cent of the annual Federal expenditure, and above all no measure passed by it will become law without the assent of the Governor General.

Never has a Federal Constitution possessed a Legislature so shackled and ineffective.

Legislative Procedure.

A Bill may originate in either Chamber of the Federal Legislature, but no Bill will be deemed to have been passed by the Legislature unless it has been agreed to by both the Chambers.

If the two Chambers disagree on any Bill, the Governor General may summon a joint sitting of the Chambers for the purpose of deliberating and voting on the Bill. If at a joint sitting, the Bill is passed

by a majority of the total number of members of both Chambers present and voting, it will be deemed to have been passed by both Chambers.

When a Bill has been passed by the Chambers, it shall be presented to the Governor General, who shall, in his discretion, grant or refuse his assent to the Bill, or withhold his assent, or reserve the Bill for the signification of the King. The Governor General may, in his discretion, return the Bill to the Chambers for reconsideration, specifying if necessary, the desirability of introducing such amendments as he may recommend.

A Bill reserved for the signification of the King will not become law unless the Governor General makes it publicly known, within twelve months from the day on which it was presented to him, that the King has given his assent to it.

Any Act assented to by the Governor General may be disallowed by the King within twelve months from the day of the Governor General's assent.

The Governor General, will in his discretion after consultation with the President or the Speaker, make for each Chamber rules regulating the procedure and conduct of business in relation to all those matters, which involve the exercise of his discretion or individual judgment. He will also make rules for securing the timely completion of financial business, for prohibiting the discussion of, or the asking of questions on, any matter connected with any Indian State, other than a matter with respect to which the Federal Legislature has the power to make laws for that State, and for prohibiting discussion of any matter which concerns the following subjects:—

- (a) relations between the King or the Governor General and any foreign State or Prince;
- (b) administration of Excluded or Tribal areas;
- (c) any action taken by the Governor General in his discretion in relation to the affairs of a Province;
- (d) personal conduct of the Ruler of any Indian

State, or of a member of the ruling family thereof;

The Governor General will also make rules as to the procedure with respect to joint sitting of and communications between the two Chambers.

No discussion will be allowed in the Federal Legislature with respect to the conduct of any judge of the Federal Court or High Court in the discharge of his duties.

The Governor General will be entitled in his discretion to stop all proceedings concerning a Bill or any amendment thereof, if he certifies that the discussion of the Bill or the amendment would affect the discharge of his special responsibility for the prevention of any grave menace to the peace or tranquillity of India.

All proceedings in the Federal Legislature shall be conducted in the English language.

The procedure in respect of financial matters will be as follows:—

An annual financial statement showing the estimated receipts and expenditure of the Federation for the year will be laid before both Chambers. The estimate of expenditure will show separately, the expenditure "charged upon the revenues of the Federation," and the expenditure "proposed to be made from the revenues of the Federation." The former category of expenditure will not be submitted to the vote of the Legislature though discussion on it will be allowed; the latter category will be submitted in the form of grants to the Federal Assembly, and then to the Council of State. Each Chamber will have the power to accept or reject any demand. If the Federal Assembly refuses to assent to any demand, that demand shall not be submitted to the Council of State, unless the Governor General so directs. If the two Chambers differ with respect to any demand the Governor General shall summon a joint sitting of the Chambers for the purpose of deliberating and voting on the demand, and the decision of the majority of the members of both Chambers present will be deemed to be the

decision of the two Chambers. No demand for a grant shall be considered valid unless made on the recommendation of the Governor General. When all the demands have been voted upon, whether singly by each Chamber or jointly by both Chambers, the Governor General shall authenticate by his signature a Schedule of Authorised Expenditure, and in this Schedule he will be entitled to restore any grant rejected by the Chambers. The Schedule will be laid before both Chambers but will neither be discussed nor voted upon by them.

The above provisions will show that every important aspect of the legislative procedure will be determined directly by the Governor General in his own discretion. This will reduce the independence and effectiveness of the Legislature still further, and will reinforce its subservience to the Executive.

Responsibility of Ministers to the Federal Legislature.

The direct responsibility of the ministers to the Federal Legislature is nowhere expressly embodied in the Act. In fact, strictly according to the letter of the Act, even an indirect responsibility seems to be rather illusive.

The Federal Legislature will have no choice in the appointment or dismissal of the ministers; the Governor General acting in his own discretion, will select the ministers, assign them their portfolios, regulate their relations with their departments, and whenever necessary dismiss them. The Legislature will have no means by which it can show its disapproval of the choice of the Governor General, except by a vote of no confidence in the ministry, though there is nothing in the Act which obliges the ministry to resign if a no-confidence motion is passed against it. The Governor General may disregard such a motion and retain the ministry in office. The Governor General is, no doubt, instructed in his Instrument of Instruction to appoint as First Minister a person who is

supported by a majority in the Legislature, but the appointment is to be in any case a matter for the sole discretion of the Governor General. Besides, the Governor General is instructed to include the representatives of the Federated States and important minorities in the ministries, and these representatives need not necessarily belong to the majority party. In case they do not, then the ministry as a whole will not have the confidence of the majority.

The only section of the Act, which in some way connects the ministry with the Federal Legislature is Section 10 (2) which says, "a minister who for any period of six consecutive months is not a member of either Chamber of the Federal Legislature shall at the expiration of that period cease to be a minister". This is merely a general safeguard against outsiders, who command no support in the legislature, being kept as ministers for long periods of time; it does not in any way imply ministerial responsibility to the Legislature. The right of the Legislature under Section 10 (3) to vote the salaries of ministers, which could have served as a useful weapon to enforce responsibility upon ministers, is rendered meaningless by the provisions that the salaries will be voted by a solemn Act of the Legislature, and will not be subject to an annual vote; nor will the salaries be varied during the term of office of the ministers. In the annual budget these salaries will be included in the "expenditure charged on the revenues of the Federation," i.e., non-votable expenditure.

Obviously, under these conditions the Legislature will not be in a position to exercise any effective control over the Federal ministry, which will be formed, controlled and dismissed by the Governor General acting entirely in his own discretion.

The Federal Executive.

The Federal Executive will formally be of a dyarchical nature. Four departments, namely, Defence,

External Affairs, Ecclesiastical Affairs and Excluded Areas will be controlled and administered by the Governor General entirely in his own discretion; the rest of the departments will be entrusted to a Council of Federal Ministers. The Governor General may, under Section 11 (2), appoint Counsellors, not exceeding three in number, for assisting and advising him in matters concerning the four departments directly placed in his charge. These Counsellors need not be members of the Federal Legislature; and will not owe any responsibility to the Legislature. In addition to them, there will be a Commander-in-Chief appointed by Warrant under the Royal Sign Manual to help the Governor General in the management of the department of Defence. The Commander-in-Chief will not be a member of the Governor General's Council as he was under the Act of 1919, but the Instrument of Instruction advises the Governor General to obtain his views in any matter which affects the discharge of his duties and to transmit his opinion to the Secretary of State whenever he so requests. The number of ministers constituting the Council of Ministers will not exceed ten. A minister will have to be a member of either Chamber; if he is not a member at the time of his appointment he will have to get elected within six months of his appointment, otherwise he will have to resign. The appointment and dismissal of ministers will be a matter for the sole discretion of the Governor General. The Ministers and the Governor General's Counsellors will not deliberate and work together in a common cabinet; the former will constitute a separate Council of Ministers presided over by the Governor General, while the latter will form the Governor General's Council.

The distinction between the departments directly placed in the charge of the Governor General and those entrusted to the Ministers does not imply that the Governor General will have no say in the administration of the latter. On the contrary, the Governor General as the

head of the Federal Executive will be entitled to exercise unlimited powers of superintendence and control in the case of every department of the Federal Government. Therefore, though formally the Federal Executive will be composed of the Governor General and the Council of Minister, in reality, the latter will be merely an ornamental appendage to the head of the Executive, devoid of any real authority.

This will be seen on an examination of the multifarious and unlimited executive powers of the Governor General. There will be certain powers and function exercisable by the Governor General in relation to the departments placed directly in his charge; there will be several other powers and functions relating to the rest of the administration, which he will exercise in his discretion, and yet others which he will exercise in his individual judgment. Then, he will enjoy, in his capacity as the head of the Executive, certain extraordinary powers in respect of legislation, superintendence over Provincial Governments and the affairs of Indian States. In addition to all this, he will exercise in his capacity as the representative of the Crown in India certain powers, functions and prerogatives which belong to the latter, particularly with regard to question affecting Paramountcy, relations with Indian States etc.

The powers of the Governor General in respect of the Reserved Department will be absolute. He need not consult the Ministers or the Legislature on questions affecting these departments, and the Counsellors appointed by him will be mere advisors. Section 11 of the Act lays down that "the functions of the Governor General with respect to defence and ecclesiastical affairs and with respect to external affairs, except the relations between the Federation and any part of his Majesty's dominions, shall be exercised by him in his discretion, and his functions in or in relations to the tribal areas shall be similarly exercised."

Aside from the complete exclusion of the above noted

departments from ministerial control, the Governor General will be entitled to act in his discretion in respect of a large variety of executive functions. There are no less than 94 sections of the Act conferring discretionary powers on the Governor General. The following are some of the important matters in respect of which the Governor General will be entitled to act in his discretion:—

1. Disallowance or assent to Bills, withholding of assent or reserving Bills for the King's consideration. (Section 32)

2. Returning of Bills to the Legislature for reconsideration. (Section 32).

3. Prohibition of discussion or further proceedings on any Bill or Amendment on the ground that it affects the Governor General's Special Responsibility for the maintenance of peace and tranquillity in the country. (Section 40).

4. Giving previous sanction for the introduction of certain Bills. (Section 108).

5. Making of Ordinances. (Section 43).

6. Enactment of Governor General Acts. (Section 44).

7. Suspension of the Constitution. (Section 45)

8. Summoning of the Federal Legislature, its proroguing and dissolution. (Section 19)

9. Summoning of Joint meetings of the two Chambers. (Section 31).

10. Appointment or dismissal of Ministers and the Financial Advisor to the Governor General. (Section 10 and 15).

11. Decision as to whether any expenditure is votable or non-votable by the Legislature. (Section 33)

12. Making of rules of procedure for the Legislature as regards question which involve Governor General's discretionary powers, or which affect the timely completion of financial business, or which involve the discussion of affairs in the Indian States or in a Foreign

State, or the personal conduct of an Indian or Foreign Ruler or any member of a Ruling Family. (Section 38)

13. Granting or withholding assent to Provincial Bills reserved for the Governor General's assent. (Section 76)

14. Issuing instructions to Provincial Governors for promulgation of Ordinances and concurring in the Enactment of Governor's Acts and Emergency Proclamations by Governors in the Provinces suspending the Constitution. (Sections 88, 89, 90).

15. Instructing Governors to discharge certain functions as Governor General's agents. (Section 123)

16. Making rules for the Police regarding crimes of violence calculated to overthrow the Government. (Section 98).

17. The use of armed forces in connection with the function of the Crown in relation to Indian States. (Section 286).

The above are only a few of the large number of discretionary powers vested in the Governor General. What is noteworthy is the fact that the Governor General acting in his own discretion will decide whether any matter comes within the purview of his discretionary authority or not. Section 9 (3) provides that "the validity of anything done by the Governor shall not be called in question on the ground that he ought or ought not to have acted in his discretion or ought or ought not to have exercised his individual judgment."

The Act, further, confers on the Governor General a number of powers which he will exercise in his individual judgment. The distinction between these two sets of powers is not clearly defined in the Act, but it can be inferred from Section 9 that the Governor need not at all consult the ministers in respect of those powers which he will exercise in his discretion, while in respect of those which he will exercise in his individual judgment he may consult the ministers, though he will not in any case be bound to accept the latter's

opinion. No less than 32 sections of the Act provide for powers to be exercised by the Governor General in his individual judgment. The most important of these relate to the Special Responsibilities of the Governor General, which, as defined in Section 12 are as follows:—

1. The prevention of any grave menace to the peace or tranquillity of India or any part thereof;

2. the safeguarding of the financial stability and credit of the Federal Government.

3. the safeguarding of the legitimate interests of minorities.

4. the securing to, and to the dependants of persons who are or have been members of the public services of any rights provided or preserved for them by or under this Act and the safeguarding of their legitimate interests;

5. the securing in the sphere of executive action of the enforcement of provisions embodied in chapter III of Part V of the Act, relating to discrimination against persons of British nationality or British industrial and trading interests in India.

6. the prevention of any discrimination against goods imported from the United Kingdom or Burma into India.

7. the protection of the rights of any Indian State and the rights and dignity of the Rulers.

8. the securing of due facilities for the discharge of all those functions in respect of which Governor-General is entitled to act in his discretion or to exercise his individual judgment.

We have already noted how extensive and complete the authority of the Governor General will be over the Legislature. We have observed, for example, that the Governor General alone will have the right to summon, prorogue or dismiss the Legislature, to make rules of procedure for regulating almost every important business in either Chamber, to forbid the asking of questions and discussion on certain subjects, to accord previous sanction to the introduction of certain types of

Bills, to send messages to the Legislature and order joint sittings of the two Chambers, to assent to or to withhold assent from the Bills passed by the Legislature, to recommend financial grants and authenticate authorised expenditure, and above all to suspend the Constitution.

In addition to all this, the Governor General will have, under Sections 42-44, certain direct legislative powers; that is, the power to pass Ordinances and the so-called Governor-General's Acts. The laws thus passed, though formally considered extraordinary, will have the same validity as any ordinary law made by the Legislature. Section 42 says, "If at any time when the Federal Legislature is not in Session the Governor General is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such ordinances as the circumstances appear to him to require." These ordinances shall be laid before the Federal Legislature and shall cease to operate at the expiration of six weeks from the re-assembly of the Legislature, or if before the expiration of that period resolutions disapproving the ordinances are passed by both the Chambers. This latter provision has, however, no significance because the disapproval of the Legislature would not, in any case, apply retrospectively. Section 43 goes still further and empowers the Governor General to promulgate ordinance, even while the Legislature is in Session, in respect of those functions which involve the exercise of his discretion or individual judgment. Such ordinances will not be submitted to the Legislature, and will continue in operation for a period not exceeding six months at a time, though the Governor General will be entitled to renew them for a further period of six months.

Far more important is the power vested in the Governor General to make permanent laws, independently of the Legislature. Section 44 provides that if at any time it appears to the Governor General that for

the due discharge of his functions involving the exercise of his discretion or individual judgment, it is necessary to make provision by legislation, he may forthwith enact a "Governor Generals Act" without consulting the Legislature, or send a message to the Legislature with a draft of the Bill which he considers necessary. If the latter course is adopted, then the Governor General may at any time after the expiration of one month enact the Bill proposed by him to the Chambers as a Governor General's Act. A Governor General's Act will have the same effect and force as an ordinary Act of the Federal Legislature, and in every matter concerning the enactment of such an Act, the Governor General will act in his discretion.

This is however not all. The Governor General will be entitled to suspend the entire Constitutional machinery and to arrogate to himself every power exercisable by the Federal Legislature or any other Federal body or authority. Section 45 of the Act says, "If at any time the Governor General is satisfied that a situation has arisen in which the Government of the Federation cannot be carried on in accordance with the provisions of this Act, he may by Proclamation;

- (a) declare that his function shall to such extent as may be specified in the Proclamation be exercised by him in his discretion;
- (b) assume to himself, all or any of the powers vested in or exercisable by any Federal body or authority."

The dominance of the Governor General over the entire Federation is illustrated further by his innumerable powers of superintendence and control over the Provincial Governments and the Federated States. In fact, Section 12 would justify any interference of the Governor General in Provincial matters on the ground of one or another of his Special Responsibilities. Besides, the Governor General will have the right to issue orders

to Provincial Governors for carrying out Federal Laws, to assent to or withhold assent from Provincial Bills reserved for his consideration, to issue Instructions to the Governors and to grant them permission for promulgating Governor's ordinances and the enacting of Governor's Acts, (Sections 88, 89 and 90), to sanction or disallow any rules made by the Governors for the administration of Excluded Areas, (92), to sanction the suspension of the Constitution by a Governor in his Province, to permit the Federal Legislature to make any law for the Provinces in a State of national emergency, (102), to direct the Governors to discharge certain functions as his agents in respect of matters concerning Defence, Ecclesiastical Affairs, External Affairs or Tribal areas, to determine as to how and by what stated periods the Provinces will receive their share of income tax (138), and to decide disputes between the Federal and Provincial Governments regarding the conditions under which the latter will borrow or guarantee loans (163). Incidentally, it may be observed that these provisions amply demonstrate the hollowness of the claim that the new Constitution confers Autonomy on the Provinces.

The Executive authority of the Governor General over the Federated States will also cover an extensive field. If it appears to the Governor General that any Ruler of a Federated State has in any way failed to fulfil his obligations to the Federal Government, he will be entitled, under Section 128, to issue, in his own discretion, such directions to the Ruler as he thinks fit, provided that if any question arises as to whether the executive authority of the Federation is exercisable in a State with regard to any matter or the extent to which it is exercisable, the question may, at the instance of the Ruler or the Federation, be referred to the Federal Court for determination. Besides, most of the Special Responsibilities of the Governor General will be as much applicable to the Federated States as to the Provinces, and in the discharge of functions connected with these Respon-

sibilities, the Governor General will be entitled to interfere as freely in the affairs of the States as in those of Provinces.

This bare enumeration of the Governor General's powers needs no commentary. It will be seen that there is hardly any aspect of government over which the Governor General will not wield complete dictatorial authority. Not only will the Federal Legislature be an ineffective and powerless body enchained by the innumerable discretionary powers vested in the Governor General, but the executive machinery of the Federation will also be under the complete and unquestioned sway of the Governor General. The Federal Government will thus be in reality a one man's rule, unsurpassed in many respects by oriental despotisms or modern dictatorships.

The Federal Judiciary.

The new Constitution provides for the establishment of a Federal Court consisting of a Chief Justice and six puisne judges to be appointed by the King by Warrant under the Royal Sign Manual. The number of puisne judges may be increased if the Federal Legislature makes a demand to that effect in an address presented to the Governor General for submission to the King. Every judge of the Federal Court will hold office during good behaviour until the age of 65, and unless he resigns, he will not be removed from office except by the King by Warrant under the Royal Sign Manual. The salaries and allowances of these judges will be fixed by the King in Council, and will not be varied to their advantage after their appointment.

The primary function of the Federal Court will be to settle litigation relating to Constitutional questions, and to advise the Governor General, if he so desires, on any point of law of public importance. The Court will also hear appeals relating to civil cases of a certain type.

The jurisdiction of the Court will be both Original and Appellate. On the Original side it will confine itself to disputes between the members of the Federation, i.e., the Provinces and the Federated States, in so far as these disputes involve "any question (whether of law or fact) on which the existence or extent of a legal right depends." Its judgment in such cases will be a declaratory judgment, interpreting the Constitution, and merely stating the existence or extent of a legal right. On the Appellate side, the Federal Court will entertain appeals from any judgment or decree of a High Court in British India, if the High Court certifies that the case involves a substantial question of law relating to the interpretation of the Government of India Act or an Order in Council made thereunder.

The Federal Legislature will have the power to enlarge the Appellate jurisdiction of the Federal Court, and to extend it to judgments or decrees of High Courts concerning civil cases, which involve a sum of not less than Rs. 50,000 or such other sums, not less than Rs. 15,000, as may be prescribed by the Legislature, or the property of like value. No other civil appeal will be entertained unless the Federal Court gives special leave to appeal. *

The Federal Court will also admit appeals from a High Court in a Federated State, on the ground that a question of law, involving the interpretation of the Constitution, or an Order in Council or the extent of authority vested in the Federation by virtue of the Instrument of Accession of that State, has been wrongly decided.

Appeals from the Federal Court to the Privy Council will be permitted in all those cases which involve constitutional points, or other cases in which special permission to appeal is granted by the Federal Court or the Privy Council. The Federal Court will have the power to make rules, with the approval of the Governor General in his discretion, for regulating generally the practice and

procedure of the Court. It will also be entitled to pass orders for securing the attendance of any person, the production of any document or the investigation or punishment of any contempt of Court, and all civil and judicial authorities, throughout the Federation, will be bound to act in its aid.

Two important points deserve attention here. In the first place, it may be noted that in the name of the independence of Judiciary, the Federal Court has been kept completely outside the control, direct or indirect, of any Federal authority in India, and has, on the other hand, been made subordinate, through the British King, to a foreign imperialist bureaucracy, particularly the Secretary of State for India. The appointment and dismissal of the Federal judges, their pay and allowances and other conditions of service, will be determined by the King, that is, in actual practice by the Secretary of State. It is, no doubt, desirable that the Judiciary should not be subservient to the Legislature or the Executive and should enjoy a good deal of independence, but it is equally important that a constitution which in any way claims to be democratic should make adequate provision for securing some degree of popular control over the Judiciary. Such popular control is secured in the British Constitution by the convention that the judges though formally nominated by the King, are in practice appointed by the Ministry of the day, and can be removed from office on an address from both Houses of Legislature to the King. In the Indian Federal Constitution, however, this aspect of government as most of the other aspects, has been deliberately kept outside the sphere of popular influence, so that the main-springs of imperialist authority in the country may not, in the slightest degree, be touched by the democratic will of the Indian people.

Secondly, it may be observed that the Federal Court will not be the supreme judicial authority in the country, like the Supreme Court of the United States. Section

208 of the Act, by allowing appeals from the Federal Court to the Privy Council, will make the latter the final exponent of constitutional law, and for the matter of that, even of the ordinary law. This will not only mean a further strengthening of the pro-imperialist bias in the interpretation of the Constitution but will also perpetuate the present lack of uniformity in the common law of India.

Civil Services.

The Federal Constitution has made adequate provision for keeping all the upper rungs of Civil Services in India safe from democratic influences and from any direct or indirect control of the Legislature. The political domination of India rests very largely on the steel-frame of imperialist bureaucracy; hence the preservation of this bureaucracy is a matter of vital importance for British imperialism. The Act of 1935 not only retains the direct control of the Secretary of State over the Imperial Services, and endows these Services with innumerable privileges, but makes the Governor General responsible in his discretion for the services relating to several important departments, and above all makes the safe-guarding of the rights and interests of public servants one of the Special Responsibilities of the Governor General.

Under Section 244 of the Act, appointments to the Indian Civil Service, the Indian Medical Service (Civil) and the Indian Police Service will be made by the Secretary of State, who will also be entitled to make appointments to any service which he may consider it necessary to establish for the due discharge of those functions of the Governor General which he will exercise in his discretion. The respective strength of these Services, the rules specifying their character and emoluments will be determined by the Secretary of State, and all orders relating to the promotion, suspension or leave of the per-

sons appointed to these Services will be made by the Governor General in his individual judgment, if the person concerned is serving under the Federation, and by the Governor exercising his individual judgment, if he is serving in a Province. Furthermore, according to Section 248, no order which punishes or formally censures any civil servant appointed by the Secretary of State, or which affects adversely his pay or pension, shall be made by anyone except the Governor General in the Federation and the Governors in a Province. In any case, all members of the Imperial Services and those others appointed by the Secretary of State will have the right to appeal to the Secretary of State against any order passed by any authority in India, which punishes or censures or adversely affects their conditions of service. If in the judgment of the Secretary any person appointed by him deserves compensation on the ground that his conditions of service have been adversely affected, he will be entitled to order that the amount to be paid as compensation be charged to the public revenues of India.

It is obvious that under these provisions neither the Federal or Provincial Legislatures, nor the Federal or Provincial Ministries will be in a position to make the slightest change in the inordinately privileged position held by the Imperial Services.

In the case of the Defence Services, the Commander-in-Chief will be appointed directly by the King in Council, who, under Section 233, will be entitled to require that such appointments connected with defence as he may specify, shall be made by him or in such manner as he may direct. The King in Council may authorise any person on his behalf to grant commissions in any naval, military or air force raised in India. The Secretary of State will frame the rules, regulations and orders affecting the condition of Defence Services in India. The pay, allowances, pensions etc. of the defence forces will be charged to the revenues of the Federation and

will not be subject to a vote of the Legislature.

The Staff of the other Reserved departments, namely External Affairs, Ecclesiastical Affairs and Excluded Areas will be appointed and controlled by the Governor General in his discretion. Not only will the Governor General nominate his three Counsellors and the Financial Advisor, but will also appoint Trade Commissioners and higher officials for Legations and Consulates, High Commissioner for India, Agent to the Federal Government in South Africa, Auditor of Indian Home Accounts in Great Britain, Governor and Deputy Governor of the Reserve Bank, and a number of officials connected with the Reserved Departments.

It is noteworthy that the Act of 1935 includes several specific provisions for the protection of the position and privileges of civil servants in India. Thus, for example, according to Section 258 no civil post, which immediately before the inauguration of the new Constitution belonged to a Central or Provincial Service shall be abolished after the inauguration of the Constitution, if the abolition adversely affects the person holding the the post, except by the Governor General exercising his individual judgment in the case of service under the Federation, and by the Governor exercising his individual judgment in the cases of services connected with a province. The same provision applies to any change in the pay, allowances and pensions of officials belonging to the Central or Provincial Services before the commencement of the Constitution. Section 259 provides that the salary and allowances of any person who was appointed before April 1924 to a Superior Service, other than the Services controlled by the Secretary of State, shall after the introduction of the new Constitution be charged on the revenues of the Federation or the Provinces, as the case may be, or in other words, shall not be subject to any revision by the Legislatures. Further, according to Section 260 any pension payable to a person who having been a servant of the Crown in India, retired

before the commencement of the Constitution, shall also be charged to the Federal or Provincial revenues, as the case may be. Then, there are certain provisions relating to indemnity for past acts of public servants, protection of public servants against prosecution and suits, payment of certain pensions and exemption of those pensions from taxation in India, payment of certain family pensions etc. According to Section 270, no civil or criminal proceedings shall be instituted against any servant of the Crown in India after the inauguration of the new Constitution for any act done by him in the execution of his duty before the inauguration of the Constitution, except by the Governor General in his discretion in the case of Federal Services, and by the Governor in his discretion in the case of Services connected with a Province. Any proceedings of this nature, whether instituted before or after the commencement of the new Constitutional scheme, shall be dismissed unless the Court is satisfied that the acts complained of were not done in good faith and, in the event of dismissal, the cost incurred by the defendant shall be charged on the revenues of the Federation or the Province, as the case may be. Section 271 provides that no Bill or amendment to abolish or restrict the protection afforded to certain servants of the Crown in India by Section 197 of the Indian Code of Criminal Procedure, or by Sections 80 to 82 of the Indian Code of Civil Procedure, shall be introduced or moved in either Chamber of the Federal Legislature without the previous sanction of the Governor General in his discretion, or in a Chamber of a Provincial Legislature without the previous sanction of the Governor in his discretion. Furthermore, the powers conferred on the government by Section 197 of the Indian Code of Criminal Procedure in respect of the prosecution of a public servant shall be exercised only by the Governor General and the Governors in their individual judgment. According to Section 272, the pensions payable to a person who before the inauguration

of the new Constitution was serving under the Governor General in Council, or who after the inauguration is employed as an officer in His Majesty's force, or is appointed to a civil service in India by the King or the Secretary of State, or holds a reserved post, shall be exempted from all taxation in India, if the person concerned is residing permanently outside India. Over and above all these safeguards, there will be the Special Responsibility of the Governor General and the Governors for "the securing to, and to the dependents of persons who are or have been members of the public services of any rights provided or preserved for them by or under this Act and the safeguarding of their legitimate interests." In the discharge of this, as of all other Special Responsibilities the Governor General and the Governors will be entitled to act entirely in their own discretion, regardless of the opinion and policy of the Legislature or the Ministries.

Needless to add that this protection is almost entirely meant for, and is in most cases specifically confined to, the upper strata of the imperialist bureaucracy in India, which is not only one of the most expensive and top-heavy bureaucracies of the world, but is also far less amenable to popular opinion than the officialdom of any other country.

Federal Finance.

One of the major tests of the usefulness of a Constitution to the people is the extent to which it transfers financial powers to the peoples representatives, and provides financial resources for the development of beneficent or nation-building services. We have already observed that in the Federal Government over 80 per cent of the budget will be non-votable and completely outside the control of the Legislature, and that even in respect of the remaining 20 per cent the Governor General will have the unquestioned right of over-

riding any decision of the Legislature. We may now try to examine briefly if the scheme of Federal finance as enunciated in the Act provides any scope for the development of those services which can promote the material and cultural welfare of the Indian people.

It may be observed that almost all the nation-building departments, such as Education, Public Health, Medical, Agriculture, Industries, have been entrusted to the Provinces. Therefore, the problem reduces itself to this: how far has the Federal Constitution provided adequate revenues for the Provinces and what new sources of income has it assigned to them.

Under the Reforms of 1919, the needs of the Central Government were considered supreme, and nearly 60 per cent of the total revenues of the country were monopolised by the Centre. Not only this, but most of the elastic and expanding sources of revenue, such as Customs, Income-Tax, etc., were assigned to the Central Government, while the Provinces were given such resources as were stagnant or contracting. The result was that the beneficent services were treated to starvation rations.

The Federal Constitution does not materially change this position. The new division of resources between the Centre and the Provinces again overwhelmingly favours the former, both in respect of the total share and the elasticity of revenues. The only change favourable to the Provinces is to be found in the terms of Section 138 relating to the division of Income-Tax between the Federation and the Provinces after a certain period, and in Section 142 which provides for certain subsidies to be paid by the Federal Government to certain deficit Provinces. The recommendations of Sir Otto Niemeyer, however, make it clear that even under these sections no substantial relief can be expected by the Provinces at least for several years to come. The grants in aid to be given by the Federation to certain deficit Provinces such as Sind, Assam, Orissa, and the United Provinces will

meet only ordinary deficits, and will not provide any new resources for material development. The 50 per cent share of the Income Tax proceeds to be received by the Provinces, under Section 138, would roughly amount to only about rupees 8 crores and even this sum, according to the recommendations of Sir Otto Niemeyer, will not be received in toto by the Province until about 10 years have elapsed from the introduction of the Federation. The 62½ per cent of the jute duty to be received by Provincial Governments, as recommended by Sir Otto Niemeyer, would represent a small amount as the total yield of the duty is only about Rs. 3 crores.

The provisions of Section 137 may enable the Provinces to improve their financial position to some extent, as the Section provides that succession duties to property other than agricultural land, Stamp duties mentioned in the Federal Legislative List, terminal taxes on goods or passengers carried by railway or air, and taxes on railway fares and freight, will be levied and collected by the Federation, but the proceeds will be distributed among the Provinces and the Federated States, if any, within which these taxes are levied. The usefulness of these provisions from the point of view of Provincial Governments is, however, considerably reduced by the fact that the rates of the duties will be determined by the Federal Government, and that the latter will be entitled to increase any of the duties or taxes by surcharge for Federal purposes and the whole proceeds of any surcharge will form a part of the revenues of the Federation. Obviously, under these conditions, the prospects of securing any substantial income from these sources for the provinces are rather remote, since the Federal Government with its inflexible and over-inflated expenditure will try, through surcharges, to squeeze the utmost out of them for itself.

Section 140 holds out a vague hope of the distribution, at some future date, of the income from Salt Duty, Federal Excise and Export Duties among the

Provinces, if the Federal Legislature so provides by an Act. Needless to point out that in view of the present financial position of the Central Government and the new burdens that will be thrown on it with the inauguration of the Federal Constitution there is hardly any likelihood of the Federal Legislature passing such a measure for a long time to come.

What is important to remember is the fact that the magnitude and rigidity of the Federal expenditure as provided for in the Act will not leave any scope for the transfer of an appreciable proportion of Federal revenues to the Province, under any one of the above noted sections, particularly as over 80 per cent of the Federal budget will be beyond the control of the Federal Legislature. In fact on the other hand, there is every reason to believe that with the growing danger of a world war, the expenditure on Defence will increase in the near future. No serious reduction in the Debt charges, which will constitute another very big item of the Federal expenditure would be possible, because the insistent financial demands of the Provinces on the Centre will not enable the latter to make adequate provision for the reduction of the existing Debt. Besides, other non-votable items of the Federal expenditure particularly those relating to the salaries and allowances of the Governor General, Ministers, Counsellors, Financial Advisor, Federal Court judges and other higher Federal officials, and the grants in connection with the administration of the Reserved Departments and the discharge of the Governor General's special responsibilities will be practically fixed. In fact taking the Federal budget as a whole there will be hardly any scope for a reduction in four-fifths of the recurring expenditure.

Under these conditions the nation-building services will remain as of old stunted and undeveloped, and the illiteracy, disease and poverty of the people will continue to be as rampant as they have ever been under the British rule.

CONCLUSION

The Indian National Congress has categorically denounced the proposed Federal Structure, and has repeatedly affirmed that no Constitution, which is framed by an alien government in support and furtherance of its rule of the sword, can ever be acceptable to the Indian people. A constitution of slavery and bondage, seeking relentlessly to reinforce the entire system of imperialist exploitation must be resisted to the bitter end.

British Imperialism in its last throes is attempting, through a new constitutional machinery, to cement all its reactionary alliances, to forge stronger instruments for repression and to tighten its girdle for a fresh and more powerful offensive against the freedom movement of the country. The Indian people who have been struggling for decades, in the face of untold misery and oppression, for securing their inalienable right to breathe freely in their own motherland, to enjoy the fruits of their own toil, and to have full opportunities of growth and self realisation, can meet this imperialist challenge only by strengthening the various organs of their struggle, by uniting all the different sectors of the anti-imperialist movement under a common programme of national emancipation, and by creating sanctions for setting in motion an ever growing section of the masses against imperialism and its allies.

The Indian National Congress has declared unequivocally that a Constituent Assembly, elected on adult franchise, can alone have the right to give India a Constitution. The demand for a Constituent Assembly must become the rallying centre of all the anti-imperialist forces in the country. It must not, however, be forgotten that a Constituent Assembly will come into existence only after a relentless struggle against British Imperialism, and as a result of the overwhelming strength and will to power of the Indian people. It will embody the deter-

mination of the hungry and oppressed millions of India to wipe out every trace of foreign domination, and to establish in the country a free and democratic system of government.

The freedom movement, led by the Indian National Congress, is essentially a struggle for democracy. But a formal political democracy of the Western European type, which places on a par, the freedom of vested interests to exploit the propertyless, and the freedom of the propertyless to starve, cannot solve any of the innumerable problems facing India. In fact, today in a world torn by inequalities of wealth, overridden and cramped by acquisitive conflicts, the nineteenth century content and meaning of democracy needs fundamental revision. In a backward country like India, particularly, where the massive poverty of the great majority of the people, has for decades choked national growth, democracy, if it is to serve as a liberating and progressive force, must imply complete economic security for all those who toil. It must create that totality of circumstances in which every individual can find full scope and opportunity for self realisation and for contributing his best to society; it must so organise the production and distribution of wealth as to make the good life a reality for those millions of sons and daughters of India, whose existence is today a long drawn process of woe, coarsened and brutalised by unending drudgery.

India needs a broad based and multiform democracy; a democracy which not only provides for the universal participation of the people in the work of government, but which also secures in every other aspect of national life, economic, cultural and social, the preponderance of popular will. The Constitution of a free India, whatever its formal structure, must draw its sanctions from the basic needs and desires of the masses; it must so link up the highest with the lowest organs of the State as to create a vital and organic relation between State activity and the people's will; it must so reconstruct the

national economy as to guarantee at least the elementary material requirements of civilised life to every citizen, it must create the conditions necessary for the growth of a real people's culture.

But, it is only when the unconquerable might of India has shattered the chains of slavery and unleashed to the full the creative energies of the masses, that there will arise on the ruins of an imperialist Federation, the glorious structure of a free and democratic republic of the Indian people.

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